THE HON'BLE MS JUSTICE G.ROHINI

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WRIT PETITION NO : 5346 of 2004

Dated: 06-02-2006

Between:

Nelluri Varaprasad

..... PETITIONER

AND

The District Collector,

Nalgonda, Nalgonda District and three others.

.....RESPONDENTS

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 5346 of 2004

O R D E R:

The third respondent-Revenue Divisional Officer, Suryapet, Nalgonda

District, issued a notification dated
20-09-2002 inviting applications for appointment of a Dealer in respect of the fair price shop of Gondriyala Village, Kodad Mandal. Petitioner states that in response to the said notification, he made an application and also attended the interview. However, by order dated 24-01-2003, the third respondent has appointed the fourth respondent as fair price shop dealer. Questioning the said order, the petitioner preferred an appeal before the second respondent-Joint Collector, Nalgonda. Though initially, the Joint Collector stayed the order of appointment dated 24-01-2003, ultimately the appeal was dismissed by order dated 06-10-2003. Challenging the said order, the petitioner preferred a revision before the first respondent-District Collector, Nalgonda, which also ended in dismissal by order dated 08-03-2004. Hence, this writ petition questioning the order of appointment made by the third respondent as confirmed in appeal and revision.

The only contention raised by the petitioner is that the order of appointment of the fourth respondent is illegal and unsustainable since he was less qualified than the petitioner. It is pleaded that the petitioner had passed intermediate where as the fourth respondent had passed X class and therefore, the respondents ought not to have given preference to the fourth respondent.

The said contention on the face of it is not well founded and without any substance. It is not in dispute that as per the eligibility criteria prescribed for appointment of fair price shop dealers, the educational qualification required is a pass in X class and admittedly, the fourth respondent has satisfied the said requirement. In the circumstances, the mere fact that the petitioner possessed a higher educational qualification is immaterial and on that ground he cannot be given preference.

The third respondent-Revenue Divisional Officer, Nalgonda, who is the Appointing Authority, in the impugned order of appointment has categorically stated that the fourth respondent was appointed keeping in view his performance in the interview and other merits. That apart, in the counter affidavit it is stated that the fair price shop in Gondriyala Village fell vacant due to cancellation of authorization of the earlier dealer Sri Nelluri Madhavarao, who allegedly diverted 5.15 quintals of rice to black market. On the said ground confiscation of the seized stocks to the extent of 25% was also ordered.

Subsequently, his authorization was cancelled and a notification was issued inviting applications for appointment of new fair price shop dealer. The petitioner is none other than the brother of Nelluri Madhava Rao, whose authorization was, earlier, cancelled.

The said averment in the counter affidavit stood unrebutted. In the circumstances, I do not find any infirmity in the order of the third respondent in appointing the fourth respondent as confirmed by the respondents 1 and 2. Therefore, the writ petition is devoid of merits.

Accordingly, the writ petition is dismissed. No costs.

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G.ROHINI,J

Dated:06-02-2006

Klp/ghn